

~~CONFIDENTIAL~~

NSC/ICS-401435

~~CONFIDENTIAL/SENSITIVE~~

*investigate
grand jury*

- polygraph

PRELIMINARY ACTION PLAN FOR THE REDUCTION OF THE NUMBER
AND SEVERITY OF UNAUTHORIZED DISCLOSURES
OF CLASSIFIED INFORMATION

National Policy

- Development of a national policy which seeks to differentiate carefully between initiating policy leaks (which are probably unstoppable) and leaks of sensitive intelligence, diplomatic, and military secrets.
- Development of a national policy and mandatory procedures for the coordination of any public statement by the government or by officials that might be based on, or contain, classified information, including "background" and "off-the-record" briefings.
- Development of national policy on how to respond to disclosures of sensitive intelligence and national security policy information. This would include procedures for dealing with the problem of "confirmatory" information.
- Revision and reissuance of NSDD-19. This NSDD required procedures within each agency for prior approval to discuss classified information with the media. It was withdrawn following media objections.
- Full implementation of NSDD-84. NSDD-84 has not been implemented fully. Two provisions have been blocked by legislative action. The NSDD remains a sound and worthy policy document. Some progress has been made on the polygraph issue. Revision of the non-disclosures agreement could meet Congressional objection.
- Presidential charge to a full cabinet meeting that continued unauthorized disclosures represent a serious national security threat.
- Reiteration of Presidential message to all Federal employees. The President earlier issued such a statement; he could now underscore his continuing concern.
- Decision on whether we will interpret NSDD-197 requirement to report controls in which classified information is solicited will or will not apply to media solicitations.

~~CONFIDENTIAL/SENSITIVE~~

Declassify on: OADR

~~CONFIDENTIAL~~

CONFIDENTIAL/SENSITIVE**CONFIDENTIAL**Media Relations

- Presidential discussion with senior media executives regarding a code of ethics in dealing with national security information.
- Public awareness plan for responding to media opposition to further government efforts to reduce unauthorized disclosures. This might include a series of major addresses by senior administration officials on the subject of unauthorized disclosures.
- Development of a minimum uniform government policy for controlling press contacts on classified national security subjects. NSDD-19 provision requiring advance approval for all contacts with the media involving classified national security information could be revised slightly and reissued.
- Development of government-wide regulations requiring personnel cleared for classified intelligence to centrally record with their agencies all press contacts, including dates and the identities of media representatives.
- Control of media access to sensitive government buildings. While recognizing that press access varies among departments and agencies, there is no reason for such access to be greater than that afforded the general public.

Investigations

- Obtain DOJ commitment to pursue leak prosecution under existing US Code Title 18, Section 793 (Morison).
- Development of an FBI/Department of Justice investigatory task force to pursue sources of unauthorized disclosures immediately.
- Establishment of leaks investigation as a priority counterintelligence matter with the Intelligence Division of the FBI (currently it is in the Criminal Division).

Legislation

- Establishment of high-level Department of Justice-led task force to develop a legislative package focused on legislation establishing criminal and/or civil penalties for unauthorized disclosures of classified information and to respond to recent Congressional initiatives in this area. The task force could consider a range of proposals in this area, including those of the President's Foreign Intelligence Advisory Board.
- Development of a legislative strategy and plan for soliciting Congressional advice and opinion on legislative proposals and removal of legislative restrictions on NSDD-84.

CONFIDENTIAL/SENSITIVE**CONFIDENTIAL**

CONFIDENTIAL/SENSITIVE

CONFIDENTIAL

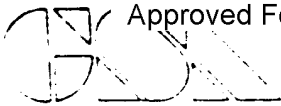
"Authorized Releases" Under Executive Order 12356

- Government-wide training could be established for personnel authorized to classify to ensure they understand that their authority over documents they create does not include information in those documents that they received from another agency or source just because it is incorporated into their document.

- Government-wide policy could be established for personnel clearing speeches, testimony, and/or handling FOIA and other public requests for documents involving current policy issues since such requests often involve information and documents at the drafting stage and/or when the policy decisions are not yet made. Mandatory procedures are needed for the coordination of such releases.

CONFIDENTIAL/SENSITIVE

CONFIDENTIAL



November 14, 1985

Honorable Robert C. McFarlane
Assistant to the President for
National Security Affairs
The White House
Washington, DC 20500

Dear Mr. McFarlane:

I am pleased to submit for your review and approval thirteen initiatives to improve the Government-wide information security system. With the total support of the National Security Council, I chaired an interagency committee* that developed these initiatives and seeks their timely implementation. Upon receiving your approval of all or some of them, the Information Security Oversight Office is prepared to take the steps necessary to implement them.

The recommended initiatives attack perceived problems in five subject areas: overclassification, or unnecessary classification; overdistribution of classified information; classification management; the erosion of the "need-to-know" principle; and unauthorized disclosures. They do not require any basic restructuring of the successful system that President Reagan established in Executive Order 12356. Rather, they seek means of achieving increased knowledge and increased accountability among the many people who are entrusted with making the system work as it should. Though these initiatives are few in number and quite modest in cost, their implementation should have far-reaching consequences for the improvement of the information security system.

In addition to the initiatives, the interagency group also seeks action by the National Security Council on several matters that require White House decisions. These include (a) the questions presented by the Department of Justice Personnel Security Study Group; (b) a uniform policy on the use of the polygraph in unauthorized disclosure investigations; and (c) a definitive executive branch position on unauthorized disclosure legislation. The timely resolution of these matters merits your careful attention.

Sincerely,

STEVEN GARFINKEL
Director

Enclosures

*The interagency committee consisted of representatives of the Departments of State, Treasury, Justice, Defense, Army, Navy, Air Force and Energy, the Central Intelligence Agency, the Federal Bureau of Investigation and the National Security Agency.

INITIATIVE NO. 1

1. **AREA:** Overclassification (Unnecessary Classification)
2. **PROBLEM:** Non-specific security education requirements of E.O. 12356 and the ISOO Directive No. 1 have not resulted in agency briefings that address the specific needs of producers of classified information.
3. **RECOMMENDED INITIATIVE:** That ISOO issue a directive on security education that includes the establishment of minimum requirements for mandatory training of classifiers of original and derivative classification decisions and the use of classification guides.
4. **IMPLEMENTATION:**
 - (a) **ADVANTAGES:**
 - . Restored credibility in the classification system within the executive branch and among the public, the Congress and the media
 - . Reduced volume of information unnecessarily classified
 - . Improved decision making competence of original and derivative classifiers
 - . Increased uniformity in the application of classification principles and markings
 - (b) **DISADVANTAGE:**
 - . Mandatory training requirements difficult to impose on senior agency officials
5. **DECISION:**
 - _____ APPROVED
 - _____ DISAPPROVED
 - _____ OTHER

INITIATIVE NO. 2

1. **AREA:** Overclassification (Unnecessary Classification)
2. **PROBLEM:** E.O. 12356 and the ISOO Directive No. 1 are not explicit about the scope of agency self-inspection programs. The quality of internal agency oversight varies widely, tending to weaken the overall effectiveness of the information security program.
3. **RECOMMENDED INITIATIVE:** That ISOO issue a directive on agency self-inspections that establishes minimum criteria for internal oversight, including a requirement that each agency routinely sample its classified product.
4. **IMPLEMENTATION:**
 - (a) **ADVANTAGES:**
 - . Improved oversight of the information security program
 - . Increased uniformity in the conduct of agency internal oversight programs
 - . Reduction of improper classification practices
 - (b) **DISADVANTAGE:**
 - . Increased commitment of limited resources
5. **DECISION:**
 - _____ APPROVED
 - _____ DISAPPROVED
 - _____ OTHER

INITIATIVE NO. 3

1. **AREA:** Overclassification (Unnecessary Classification)
2. **PROBLEM:** Although the Order and the ISOO Directive No. 1 encourage persons who believe information is improperly classified to bring this to the attention of responsible officials, this mechanism is not working effectively.
3. **RECOMMENDED INITIATIVE:** That the President amend E.O. 12356 and ISOO amend Directive No. 1 to (i) require employees to report instances of improper classification and (ii) require that agencies provide an effective means for employees to challenge classification decisions free from the fear of retaliation.
4. **IMPLEMENTATION:**
 - (a) **ADVANTAGES:**
 - . Enhanced credibility of the classification system in the eyes of the public, the Congress and the media
 - . Increased incentive for employees to challenge classification decisions
 - . Enhanced internal agency oversight of the classification system
 - (b) **DISADVANTAGES:**
 - . Challenges invited that are not bona fide
 - . Increased administrative burden to process challenges
5. **DECISION:**

_____ **APPROVED**

_____ **DISAPPROVED**

_____ **OTHER**

INITIATIVE NO. 4

1. **AREA:** Overdistribution
2. **PROBLEM:** Overdistribution is not widely recognized as a serious security problem.
3. **RECOMMENDED INITIATIVE:** That the President issue a statement to agency heads that addressees, among other problem areas, the overdistribution of classified information.
4. **IMPLEMENTATION:**

(a) ADVANTAGES:

- . High-level attention to the seriousness of the problem
- . Increased Government-wide support in resolving the problem
- . Expenditure of minimal resources

(b) DISADVANTAGE:

- . Requirement of Presidential attention

5. **DECISION:**

_____ **APPROVED**
_____ **DISAPPROVED**
_____ **OTHER**

INITIATIVE NO. 5

1. AREA: Overdistribution

2. PROBLEM: There is widespread overdistribution of classified information throughout the executive branch. A primary cause for this problem results from the distribution of such information on an automatic and recurring basis, without the determination of continuing "need-to-know."

3. RECOMMENDED INITIATIVE: That ISOO amend Directive No. 1 to provide that Federal agencies be required to review at least annually the automatic or routine distribution of all classified information and that originators and recipients update automatic distribution lists and verify the recipients' "need-to-know."

4. IMPLEMENTATION:

(a) ADVANTAGES:

- . Revitalization of "need-to-know" as a primary determinant of access to classified information
- . Cost-savings by reducing the number of classified materials distributed and stored
- . Reduction of the number of unauthorized disclosures

(b) DISADVANTAGE:

- . Increased administrative burden of reviewing distribution lists

5. DECISION:

_____ **APPROVED**

_____ **DISAPPROVED**

_____ **OTHER**

INITIATIVE NO. 6

1. **AREA:** Overdistribution
2. **PROBLEM:** Too much classified information is reproduced without control. The ISOO Directive No. 1 places restrictions on the reproduction of Top Secret material but requires no controls on the reproduction of other classified material unless the originator places specific caveats on the information.
3. **RECOMMENDED INITIATIVE:** That ISOO amend Directive No. 1 to encourage agencies to place controls on the reproduction of all classified information, unless there is a countervailing reason to permit uncontrolled reproduction.
4. **IMPLEMENTATION:**
 - (a) **ADVANTAGES:**
 - . Reduction of the proliferation of classified material
 - . Reduced likelihood of unauthorized disclosures by exercising stricter controls over classified material
 - . More positive approach to controls
 - . Increased accountability for classified information
 - . Reduction of the costs associated with the reproduction of classified information
 - (b) **DISADVANTAGES:**
 - . Restriction of timely access to legitimate users of the information
 - . Increased administrative burden on producers and users of classified material
5. **DECISION:**
 - _____ **APPROVED**
 - _____ **DISAPPROVED**
 - _____ **OTHER**

INITIATIVE NO. 7

1. **AREA:** Classification Management
2. **PROBLEM:** Personnel significantly involved in the information security program are not necessarily held accountable for their responsibilities to manage classified information.
3. **RECOMMENDED INITIATIVE:** That the President amend E.O. 12356 and the ISOO amend Directive No. 1 (i) to identify the management of classified information as an area requiring agency head attention; and (ii) to require that responsibilities for managing classified material be included as critical elements in the performance rating systems of civilian and military personnel who are original classifiers, security managers, or who are otherwise significantly involved in the management of classified information.

4. IMPLEMENTATION:

(a) ADVANTAGES:

- . Officials held accountable for their classification decisions, thus encouraging fewer and better-reasoned classification decisions
- . Inclusion of important elements of an employee's job responsibilities in his or her performance contract

(b) DISADVANTAGE:

- . Lack of knowledge by rating officials of classification system

5. DECISION:

_____ **APPROVED**

_____ **DISAPPROVED**

_____ **OTHER**

INITIATIVE NO. 8

1. **AREA:** Classification Management
2. **PROBLEM:** The professional caliber and remuneration of personnel involved in managing classified information and other functional areas of security vary significantly from agency to agency.
3. **RECOMMENDED INITIATIVE:** That the Assistant to the President for National Security Affairs ask that the Office of Personnel Management review and revise the security specialist (GS-080) position series, to include proper recognition for the special skills required for the management of classified information.
4. **IMPLEMENTATION:**
 - (a) **ADVANTAGES:**
 - . Improved professional caliber of personnel involved in classification management and other functional areas of security
 - . Recruitment of better qualified applicants for security-related positions
 - . Replacement of outdated standards
 - (b) **DISADVANTAGE:**
 - . Government-wide standards difficult to develop
5. **DECISION:**
☐ **APPROVED**
☐ **DISAPPROVED**
☐ **OTHER**

INITIATIVE NO. 9

1. **AREA:** Classification Management
2. **PROBLEM:** Security education plays a fundamental role in assuring the effectiveness of the Government's information security program; however, basic security training for all executive branch security personnel is limited.
3. **RECOMMENDED INITIATIVE:** That the President direct the Secretary of Defense to study the feasibility of expanding the capabilities of the Defense Security Institute (DSI) to provide basic training to all executive branch security personnel, either on a reimbursable or non-reimbursable basis.
4. **IMPLEMENTATION:**
 - (a) **ADVANTAGES:**
 - . Increased effectiveness of training for security personnel
 - . Reduced costs to Government by utilizing talent and resources presently available
 - . Increased availability of basic training to security personnel in agencies without such programs
 - (b) **DISADVANTAGES:**
 - . Need for sufficient funding
 - . Need for qualified instructors
5. **DECISION:**
 - _____ **APPROVED**
 - _____ **DISAPPROVED**
 - _____ **OTHER**

INITIATIVE NO. 10

1. **AREA:** "Need-to-Know" principle
2. **PROBLEM:** The observance of the "need-to-know" principle has eroded to the point that frequently access to classified information is based exclusively on security clearances.
3. **RECOMMENDED INITIATIVE:** That the President issue a statement to agency heads stressing the importance of revitalizing the observance of the "need-to-know" principle. This statement would be part of the statement discussed in other initiatives.
4. **IMPLEMENTATION:**
 - (a) **ADVANTAGES**
 - . High-level attention to the seriousness of the problem
 - . Presidential interest in the responsible exercise of the "need-to-know"
 - . Increased Government-wide adherence to the principle
 - (b) **DISADVANTAGE:**
 - . Requirement of Presidential attention
5. **DECISION:**
 - _____ **APPROVED**
 - _____ **DISAPPROVED**
 - _____ **OTHER**

INITIATIVE NO. 11

1. **AREA:** "Need-to-Know" Principle
2. **PROBLEM:** Due to the reality and perception of the lack of adherence to the "need-to-know" principle, special access programs have proliferated without guarantees of commensurate internal oversight.
3. **RECOMMENDED INITIATIVE:** That the President amend E.O. 12356 to require agency heads to ensure effective internal oversight of special access programs, including periodic confirmation of their continued need.

4. IMPLEMENTATION:

(a) ADVANTAGES:

- . Mechanism to monitor the creation and continuation of special access programs
- . Unnecessary special access programs prevented
- . Improved management and oversight of special access programs
- . Greater agency observance of the "need-to-know" principle

(b) DISADVANTAGES:

- . Increased resources for effective oversight
- . Reluctance of creators of special access programs to share responsibility for oversight

5. DECISION:

_____ **APPROVED**

_____ **DISAPPROVED**

_____ **OTHER**

INITIATIVE NO. 12

1. **AREA:** Unauthorized Disclosures
2. **PROBLEM:** Government employees, the Congress, the media and the public are not made sufficiently aware of the damage caused by unauthorized disclosures.
3. **RECOMMENDED INITIATIVE:** That ISOO coordinate with the Security Committee (SECOM) of the intelligence community the development of educational materials, both classified and unclassified, addressing the damage caused by unauthorized disclosures.
4. **IMPLEMENTATION:**
 - (a) **ADVANTAGES:**
 - . Increased awareness of the damage caused by unauthorized disclosures
 - . Greater appreciation among holders of classified information of their obligation to protect it
 - . Deterrent to unauthorized disclosures
 - (b) **DISADVANTAGE:**
 - . Non-availability of relevant material for developing unclassified educational media
5. **DECISION:**

____ **APPROVED**

____ **DISAPPROVED**

____ **OTHER**

INITIATIVE NO. 13

1. **AREA:** Unauthorized Disclosures
2. **PROBLEM:** Current investigations of unauthorized disclosures usually do not lead to successful prosecutions or administrative sanctions.
3. **RECOMMENDED INITIATIVE:** That the President call upon the Attorney General to revise existing guidelines on investigations of unauthorized disclosures.
4. **IMPLEMENTATION:**

(a) ADVANTAGES:

- . Clarification of the information agencies need to collect in order to proceed toward criminal or administrative sanctions
- . Greater assistance to the Federal Bureau of Investigation in developing leads to prosecute more successfully unauthorized disclosure cases

(b) DISADVANTAGE:

- . Government-wide guidelines difficult to develop

5. DECISION:

_____ APPROVED
_____ DISAPPROVED
_____ OTHER